

AMENDED IN SENATE MAY 1, 2012

SENATE BILL

No. 1162

Introduced by Senator Runner

(Coauthors: Assembly Members Donnelly and Knight)

February 22, 2012

An act to amend Section ~~2807~~ 597.1 of the Penal Code, ~~and to amend Sections 10295 and 10332 of, and to add Section 2003 to, the Public Contract Code,~~ relating to the Prison Industry Authority animal control, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1162, as amended, Runner. ~~Prison Industry Authority: purchases by state entities. Animal control: tranquilizers.~~

Existing law authorizes any peace officer, humane society officer, or animal control officer to take possession of a stray or abandoned animal and to provide care and treatment for the animal until the animal is deemed to be in suitable condition to be returned to the animal's owner.

Existing law regulates the distribution of controlled substances, as defined. Among other things, these provisions authorize certain practitioners, including a physician or a veterinarian, or the authorized agent of that practitioner in the presence of the practitioner, to administer controlled substances.

This bill would authorize an animal control officer to administer a tranquilizer that contains a controlled substance to a wild, stray, or abandoned animal, as specified, without contemporaneous consultation with a veterinarian, provided that the officer has received training in the administration of tranquilizers a licensed veterinarian and is otherwise authorized by the officer's authorizing agency to administer the tranquilizer.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law establishes the Prison Industry Authority to operate industrial, agricultural, and service enterprises to provide products and services needed by the state, or any political subdivision thereof, or by the federal government, or any department, agency, or corporation thereof, or for any other public use. Existing law requires state entities to purchase these products and services at the prices fixed by the authority and exempts those purchases from provisions that generally govern public contracts, including the bidding process.~~

~~This bill would authorize, rather than require, state entities to purchase goods produced by the authority and would provide that if a state entity elects to purchase goods from the authority, that purchase is exempt from the requirements governing public contracts. In all other circumstances, the bill would require the state entity to comply with the provisions governing public contracts and, prior to publishing a solicitation for bids, to notify the authority that the state entity will comply with those provisions. The bill would require a state entity, notwithstanding any other law requiring a state entity to award contracts to the lowest responsible bidder, to grant a preference of not more than 10% above the lowest responsible bid meeting specifications submitted by a private entity with respect to any responsible bid meeting specifications submitted by the Prison Industry Authority.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~yes~~^{no}. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 597.1 of the Penal Code is amended to
2 read:

3 597.1. (a) (1) Every owner, driver, or keeper of any animal
4 who permits the animal to be in any building, enclosure, lane,
5 street, square, or lot of any city, county, city and county, or judicial
6 district without proper care and attention is guilty of a
7 misdemeanor. Any peace officer, humane society officer, or animal
8 control officer shall take possession of the stray or abandoned
9 animal and shall provide care and treatment for the animal until
10 the animal is deemed to be in suitable condition to be returned to
11 the owner. When the officer has reasonable grounds to believe that
12 very prompt action is required to protect the health or safety of the

1 animal or the health or safety of others, the officer shall
2 immediately seize the animal and comply with subdivision (f). In
3 all other cases, the officer shall comply with the provisions of
4 subdivision (g). The cost of caring for and treating any animal
5 properly seized under this subdivision or pursuant to a search
6 warrant shall constitute a lien on the animal and the animal shall
7 not be returned to its owner until the charges are paid, if the seizure
8 is upheld pursuant to this section.

9 *(2) Notwithstanding any other law, if an animal control officer,*
10 *when necessary to protect the health and safety of a wild, stray,*
11 *or abandoned animal or the health and safety of others, seeks to*
12 *administer a tranquilizer that contains a controlled substance, as*
13 *defined in Division 10 (commencing with Section 11000) of the*
14 *Health and Safety Code, to gain control of that animal, he or she*
15 *may administer that tranquilizer without contemporaneous*
16 *consultation with a veterinarian, provided that the officer has*
17 *received training in the administration of tranquilizers from a*
18 *licensed veterinarian and is otherwise authorized by his or her*
19 *authorizing agency to administer the tranquilizer.*

20 (b) Every sick, disabled, infirm, or crippled animal, except a
21 dog or cat, that is abandoned in any city, county, city and county,
22 or judicial district may be killed by the officer if, after a reasonable
23 search, no owner of the animal can be found. It shall be the duty
24 of all peace officers, humane society officers, and animal control
25 officers to cause the animal to be killed or rehabilitated and placed
26 in a suitable home on information that the animal is stray or
27 abandoned. The officer may likewise take charge of any animal,
28 including a dog or cat, that by reason of lameness, sickness,
29 feebleness, or neglect, is unfit for the labor it is performing, or that
30 in any other manner is being cruelly treated, and provide care and
31 treatment for the animal until it is deemed to be in a suitable
32 condition to be returned to the owner. When the officer has
33 reasonable grounds to believe that very prompt action is required
34 to protect the health or safety of an animal or the health or safety
35 of others, the officer shall immediately seize the animal and comply
36 with subdivision (f). In all other cases, the officer shall comply
37 with subdivision (g). The cost of caring for and treating any animal
38 properly seized under this subdivision or pursuant to a search
39 warrant shall constitute a lien on the animal and the animal shall
40 not be returned to its owner until the charges are paid.

(c) (1) Any peace officer, humane society officer, or animal control officer shall convey all injured cats and dogs found without their owners in a public place directly to a veterinarian known by the officer to be a veterinarian who ordinarily treats dogs and cats for a determination of whether the animal shall be immediately and humanely destroyed or shall be hospitalized under proper care and given emergency treatment.

(2) If the owner does not redeem the animal within the locally prescribed waiting period, the veterinarian may personally perform euthanasia on the animal. If the animal is treated and recovers from its injuries, the veterinarian may keep the animal for purposes of adoption, provided the responsible animal control agency has first been contacted and has refused to take possession of the animal.

(3) Whenever any animal is transferred to a veterinarian in a clinic, such as an emergency clinic that is not in continuous operation, the veterinarian may, in turn, transfer the animal to an appropriate facility.

(4) If the veterinarian determines that the animal shall be hospitalized under proper care and given emergency treatment, the costs of any services that are provided pending the owner's inquiry to the responsible agency, department, or society shall be paid from the dog license fees, fines, and fees for impounding dogs in the city, county, or city and county in which the animal was licensed or, if the animal is unlicensed, shall be paid by the jurisdiction in which the animal was found, subject to the provision that this cost be repaid by the animal's owner. The cost of caring for and treating any animal seized under this subdivision shall constitute a lien on the animal and the animal shall not be returned to the owner until the charges are paid. No veterinarian shall be criminally or civilly liable for any decision that he or she makes or for services that he or she provides pursuant to this subdivision.

(d) An animal control agency that takes possession of an animal pursuant to subdivision (c) shall keep records of the whereabouts of the animal from the time of possession to the end of the animal's impoundment, and those records shall be available for inspection by the public upon request for three years after the date the animal's impoundment ended.

(e) Notwithstanding any other provision of this section, any peace officer, humane society officer, or any animal control officer may, with the approval of his or her immediate superior, humanely

1 destroy any stray or abandoned animal in the field in any case
2 where the animal is too severely injured to move or where a
3 veterinarian is not available and it would be more humane to
4 dispose of the animal.

5 (f) Whenever an officer authorized under this section seizes or
6 impounds an animal based on a reasonable belief that prompt action
7 is required to protect the health or safety of the animal or the health
8 or safety of others, the officer shall, prior to the commencement
9 of any criminal proceedings authorized by this section, provide
10 the owner or keeper of the animal, if known or ascertainable after
11 reasonable investigation, with the opportunity for a postseizure
12 hearing to determine the validity of the seizure or impoundment,
13 or both.

14 (1) The agency shall cause a notice to be affixed to a
15 conspicuous place where the animal was situated or personally
16 deliver a notice of the seizure or impoundment, or both, to the
17 owner or keeper within 48 hours, excluding weekends and holidays.
18 The notice shall include all of the following:

19 (A) The name, business address, and telephone number of the
20 officer providing the notice.

21 (B) A description of the animal seized, including any
22 identification upon the animal.

23 (C) The authority and purpose for the seizure, or impoundment,
24 including the time, place, and circumstances under which the
25 animal was seized.

26 (D) A statement that, in order to receive a postseizure hearing,
27 the owner or person authorized to keep the animal, or his or her
28 agent, shall request the hearing by signing and returning an
29 enclosed declaration of ownership or right to keep the animal to
30 the agency providing the notice within 10 days, including weekends
31 and holidays, of the date of the notice. The declaration may be
32 returned by personal delivery or mail.

33 (E) A statement that the cost of caring for and treating any
34 animal properly seized under this section is a lien on the animal
35 and that the animal shall not be returned to the owner until the
36 charges are paid, and that failure to request or to attend a scheduled
37 hearing shall result in liability for this cost.

38 (2) The postseizure hearing shall be conducted within 48 hours
39 of the request, excluding weekends and holidays. The seizing
40 agency may authorize its own officer or employee to conduct the

1 hearing if the hearing officer is not the same person who directed
2 the seizure or impoundment of the animal and is not junior in rank
3 to that person. The agency may utilize the services of a hearing
4 officer from outside the agency for the purposes of complying with
5 this section.

6 (3) Failure of the owner or keeper, or of his or her agent, to
7 request or to attend a scheduled hearing shall result in a forfeiture
8 of any right to a postseizure hearing or right to challenge his or
9 her liability for costs incurred.

10 (4) The agency, department, or society employing the person
11 who directed the seizure shall be responsible for the costs incurred
12 for caring and treating the animal, if it is determined in the
13 postseizure hearing that the seizing officer did not have reasonable
14 grounds to believe very prompt action, including seizure of the
15 animal, was required to protect the health or safety of the animal
16 or the health or safety of others. If it is determined the seizure was
17 justified, the owner or keeper shall be personally liable to the
18 seizing agency for the cost of the seizure and care of the animal,
19 the charges for the seizure and care of the animal shall be a lien
20 on the animal, and the animal shall not be returned to its owner
21 until the charges are paid and the seizing agency or hearing officer
22 has determined that the animal is physically fit or the owner
23 demonstrates to the seizing agency's or the hearing officer's
24 satisfaction that the owner can and will provide the necessary care.

25 (g) Where the need for immediate seizure is not present and
26 prior to the commencement of any criminal proceedings authorized
27 by this section, the agency shall provide the owner or keeper of
28 the animal, if known or ascertainable after reasonable investigation,
29 with the opportunity for a hearing prior to any seizure or
30 impoundment of the animal. The owner shall produce the animal
31 at the time of the hearing unless, prior to the hearing, the owner
32 has made arrangements with the agency to view the animal upon
33 request of the agency, or unless the owner can provide verification
34 that the animal was humanely destroyed. Any person who willfully
35 fails to produce the animal or provide the verification is guilty of
36 an infraction, punishable by a fine of not less than two hundred
37 fifty dollars (\$250) nor more than one thousand dollars (\$1,000).

38 (1) The agency shall cause a notice to be affixed to a
39 conspicuous place where the animal was situated or personally
40 deliver a notice stating the grounds for believing the animal should

1 be seized under subdivision (a) or (b). The notice shall include all
2 of the following:

3 (A) The name, business address, and telephone number of the
4 officer providing the notice.

5 (B) A description of the animal to be seized, including any
6 identification upon the animal.

7 (C) The authority and purpose for the possible seizure or
8 impoundment.

9 (D) A statement that, in order to receive a hearing prior to any
10 seizure, the owner or person authorized to keep the animal, or his
11 or her agent, shall request the hearing by signing and returning the
12 enclosed declaration of ownership or right to keep the animal to
13 the officer providing the notice within two days, excluding
14 weekends and holidays, of the date of the notice.

15 (E) A statement that the cost of caring for and treating any
16 animal properly seized under this section is a lien on the animal,
17 that any animal seized shall not be returned to the owner until the
18 charges are paid, and that failure to request or to attend a scheduled
19 hearing shall result in a conclusive determination that the animal
20 may properly be seized and that the owner shall be liable for the
21 charges.

22 (2) The preseizure hearing shall be conducted within 48 hours,
23 excluding weekends and holidays, after receipt of the request. The
24 seizing agency may authorize its own officer or employee to
25 conduct the hearing if the hearing officer is not the same person
26 who requests the seizure or impoundment of the animal and is not
27 junior in rank to that person. The agency may utilize the services
28 of a hearing officer from outside the agency for the purposes of
29 complying with this section.

30 (3) Failure of the owner or keeper, or his or her agent, to request
31 or to attend a scheduled hearing shall result in a forfeiture of any
32 right to a preseizure hearing or right to challenge his or her liability
33 for costs incurred pursuant to this section.

34 (4) The hearing officer, after the hearing, may affirm or deny
35 the owner's or keeper's right to custody of the animal and, if
36 reasonable grounds are established, may order the seizure or
37 impoundment of the animal for care and treatment.

38 (h) If any animal is properly seized under this section or pursuant
39 to a search warrant, the owner or keeper shall be personally liable
40 to the seizing agency for the cost of the seizure and care of the

1 animal. Furthermore, if the charges for the seizure or impoundment
2 and any other charges permitted under this section are not paid
3 within 14 days of the seizure, or, if the owner, within 14 days of
4 notice of availability of the animal to be returned, fails to pay
5 charges permitted under this section and take possession of the
6 animal, the animal shall be deemed to have been abandoned and
7 may be disposed of by the impounding officer.

8 (i) If the animal requires veterinary care and the humane society
9 or public agency is not assured, within 14 days of the seizure of
10 the animal, that the owner will provide the necessary care, the
11 animal shall not be returned to its owner and shall be deemed to
12 have been abandoned and may be disposed of by the impounding
13 officer. A veterinarian may humanely destroy an impounded animal
14 without regard to the prescribed holding period when it has been
15 determined that the animal has incurred severe injuries or is
16 incurably crippled. A veterinarian also may immediately humanely
17 destroy an impounded animal afflicted with a serious contagious
18 disease unless the owner or his or her agent immediately authorizes
19 treatment of the animal by a veterinarian at the expense of the
20 owner or agent.

21 (j) No animal properly seized under this section or pursuant to
22 a search warrant shall be returned to its owner until, in the
23 determination of the seizing agency or hearing officer, the animal
24 is physically fit or the owner can demonstrate to the seizing
25 agency's or hearing officer's satisfaction that the owner can and
26 will provide the necessary care.

27 (k) (1) Upon the conviction of a person charged with a violation
28 of this section, or Section 597 or 597a, all animals lawfully seized
29 and impounded with respect to the violation shall be adjudged by
30 the court to be forfeited and shall thereupon be transferred to the
31 impounding officer or appropriate public entity for proper adoption
32 or other disposition. A person convicted of a violation of this
33 section shall be personally liable to the seizing agency for all costs
34 of impoundment from the time of seizure to the time of proper
35 disposition. Upon conviction, the court shall order the convicted
36 person to make payment to the appropriate public entity for the
37 costs incurred in the housing, care, feeding, and treatment of the
38 seized or impounded animals. Each person convicted in connection
39 with a particular animal may be held jointly and severally liable

1 for restitution for that particular animal. The payment shall be in
2 addition to any other fine or sentence ordered by the court.

3 (2) The court may also order, as a condition of probation, that
4 the convicted person be prohibited from owning, possessing, caring
5 for, or residing with, animals of any kind and require the convicted
6 person to immediately deliver all animals in his or her possession
7 to a designated public entity for adoption or other lawful disposition
8 or provide proof to the court that the person no longer has
9 possession, care, or control of any animals. In the event of the
10 acquittal or final discharge without conviction of the arrested
11 person, the court shall, on demand, direct the release of seized or
12 impounded animals upon a showing of proof of ownership.

13 (3) Any questions regarding ownership shall be determined in
14 a separate hearing by the court where the criminal case was finally
15 adjudicated and the court shall hear testimony from any persons
16 who may assist the court in determining ownership of the animal.
17 If the owner is determined to be unknown or the owner is
18 prohibited or unable to retain possession of the animals for any
19 reason, the court shall order the animals to be released to the
20 appropriate public entity for adoption or other lawful disposition.
21 This section is not intended to cause the release of any animal,
22 bird, reptile, amphibian, or fish seized or impounded pursuant to
23 any other statute, ordinance, or municipal regulation. This section
24 shall not prohibit the seizure or impoundment of animals as
25 evidence as provided for under any other provision of law.

26 (l) It shall be the duty of all peace officers, humane society
27 officers, and animal control officers to use all currently acceptable
28 methods of identification, both electronic and otherwise, to
29 determine the lawful owner or caretaker of any seized or
30 impounded animal. It shall also be their duty to make reasonable
31 efforts to notify the owner or caretaker of the whereabouts of the
32 animal and any procedures available for the lawful recovery of the
33 animal and, upon the owner's and caretaker's initiation of recovery
34 procedures, retain custody of the animal for a reasonable period
35 of time to allow for completion of the recovery process. Efforts to
36 locate or contact the owner or caretaker and communications with
37 persons claiming to be the owner or caretaker shall be recorded
38 and maintained and be made available for public inspection.

39 *SEC. 2. This act is an urgency statute necessary for the*
40 *immediate preservation of the public peace, health, or safety within*

1 *the meaning of Article IV of the Constitution and shall go into*
2 *immediate effect. The facts constituting the necessity are:*

3 *In order to protect the citizens of the state from wild, stray, or*
4 *abandoned animals at the earliest possible time, it is necessary*
5 *that this act take effect immediately.*

6 ~~SECTION 1. Section 2807 of the Penal Code is amended to~~
7 ~~read:~~

8 ~~2807. (a) The authority is hereby authorized and empowered~~
9 ~~to operate industrial, agricultural, and service enterprises that will~~
10 ~~provide goods and services needed by the state, or any political~~
11 ~~subdivision thereof, or by the federal government, or any~~
12 ~~department, agency, or corporation thereof, or for any other public~~
13 ~~use. Goods may be purchased by state agencies to be offered for~~
14 ~~sale to inmates of the department and to any other person under~~
15 ~~the care of the state who resides in state-operated institutional~~
16 ~~facilities. Fresh meat may be purchased by food service operations~~
17 ~~in state-owned facilities and sold for onsite consumption.~~

18 ~~(b) (1) All goods authorized to be produced pursuant to~~
19 ~~subdivision (a) may be purchased by any county, city, district, or~~
20 ~~political subdivision, or any agency thereof at the prices fixed by~~
21 ~~the Prison Industry Authority.~~

22 ~~(2) All goods authorized to be produced pursuant to subdivision~~
23 ~~(a) may be purchased by the state, or any agency thereof, as~~
24 ~~follows:~~

25 ~~(A) If the state entity elects to purchase the goods from the~~
26 ~~authority at the prices fixed by the authority, that purchase shall~~
27 ~~be exempt from the requirements of the Public Contract Code.~~

28 ~~(B) If the state entity does not proceed pursuant to subparagraph~~
29 ~~(A), the state entity shall comply with the requirements of the~~
30 ~~Public Contract Code, including, but not limited to Section 2003~~
31 ~~of the Public Contract Code. Prior to publishing a solicitation for~~
32 ~~bids, the state entity shall notify the authority that the entity intends~~
33 ~~to follow the purchasing procedures established in the Public~~
34 ~~Contract Code.~~

35 ~~(c) All products and services provided by the authority may be~~
36 ~~offered for sale to a nonprofit organization, provided that all of~~
37 ~~the following conditions are met:~~

38 ~~(1) The nonprofit organization is located in California and is~~
39 ~~exempt from taxation under Section 501(c)(3) of Title 26 of the~~
40 ~~United States Code.~~

1 ~~(2) The nonprofit organization has entered into a memorandum~~
2 ~~of understanding with a local education agency. As used in this~~
3 ~~section, “local education agency” means a school district, county~~
4 ~~office of education, state special school, or charter school.~~

5 ~~(3) The products and services are provided to public school~~
6 ~~students at no cost to the students or their families.~~

7 ~~SEC. 2.— Section 2003 is added to the Public Contract Code, to~~
8 ~~read:~~

9 ~~2003. Notwithstanding any other provision of law requiring a~~
10 ~~state entity to award contracts to the lowest responsible bidder, a~~
11 ~~state agency shall grant a preference of not more than 10 percent~~
12 ~~above the lowest responsible bid meeting specifications submitted~~
13 ~~by a private entity to any responsible bid meeting specifications~~
14 ~~from the Prison Industry Authority.~~

15 ~~SEC. 3.— Section 10295 of the Public Contract Code is amended~~
16 ~~to read:~~

17 ~~10295. (a) All contracts entered into by any state agency for~~
18 ~~(1) the acquisition of goods or elementary school textbooks, (2)~~
19 ~~services, whether or not the services involve the furnishing or use~~
20 ~~of goods or are performed by an independent contractor, (3) the~~
21 ~~construction, alteration, improvement, repair, or maintenance of~~
22 ~~property, real or personal, or (4) the performance of work or~~
23 ~~services by the state agency for or in cooperation with any person,~~
24 ~~or public body, are void unless and until approved by the~~
25 ~~department. Every contract shall be transmitted with all papers,~~
26 ~~estimates, and recommendations concerning it to the department~~
27 ~~and, if approved by the department, shall be effective from the~~
28 ~~date of the approval.~~

29 ~~(b) This section applies to any state agency that by general or~~
30 ~~specific statute is expressly or impliedly authorized to enter into~~
31 ~~transactions referred to in this section.~~

32 ~~(c) This section does not apply to the following:~~

33 ~~(1) Any transaction entered into by the Trustees of the California~~
34 ~~State University, by the Board of Governors of the California~~
35 ~~Community Colleges, or by a department under the State Contract~~
36 ~~Act or the California State University Contract Law.~~

37 ~~(2) Any contract of a type specifically mentioned and authorized~~
38 ~~to be entered into by the Department of Transportation under~~
39 ~~Section 14035 or 14035.5 of the Government Code, Sections 99316~~

1 to 99319, inclusive, of the Public Utilities Code, or the Streets and
2 Highways Code.

3 ~~(3) Any contract entered into by the Department of~~
4 ~~Transportation that is not funded by money derived by state tax~~
5 ~~sources but, rather, is funded by money derived from federal or~~
6 ~~local tax sources.~~

7 ~~(4) Any contract entered into by the Department of Personnel~~
8 ~~Administration for state employee benefits, occupational health~~
9 ~~and safety, training services, or combination thereof.~~

10 ~~(5) Any contract let by the Legislature.~~

11 ~~(6) Any contract entered into under the authority of Chapter 4~~
12 ~~(commencing with Section 11770) of Part 3 of Division 2 of the~~
13 ~~Insurance Code.~~

14 ~~(7) Any contract that is exempt from the Public Contract Code~~
15 ~~pursuant to Section 2807 of the Penal Code.~~

16 SEC. 4. ~~Section 10332 of the Public Contract Code is amended~~
17 ~~to read:~~

18 ~~10332. Any state agency that receives delegated authority to~~
19 ~~acquire goods shall be authorized, at a minimum, to make the~~
20 ~~following types of acquisitions:~~

21 ~~(a) Acquisitions not exceeding the dollar value established~~
22 ~~pursuant to Section 10330.~~

23 ~~(b) Acquisitions in any amount of goods available under an~~
24 ~~unexpired statewide or regional contract. Acquisitions of goods~~
25 ~~for which a valid statewide or regional contract is in effect may~~
26 ~~not be made, without the approval of the office, from a supplier~~
27 ~~other than the supplier with whom the state has a valid contract.~~

28 ~~(c) Acquisitions in any amount of goods that state agencies~~
29 ~~acquire from the Prison Industry Authority pursuant to Section~~
30 ~~2807 of the Penal Code.~~

31 ~~(d) Acquisitions not exceeding the dollar amount, established~~
32 ~~pursuant to Section 10330, of goods designated in price schedules~~
33 ~~that the office has established with suppliers. Acquisitions not~~
34 ~~exceeding the dollar amount, established pursuant to Section 10330,~~
35 ~~of goods designated in price schedules may be made from a~~
36 ~~supplier other than the supplier specified on a price schedule if~~
37 ~~another supplier offers the same or equivalent goods at a price~~
38 ~~lower than the price established in the price schedule. The agency~~
39 ~~shall notify the office prior to making the acquisition. The~~
40 ~~acquisition may be made 48 hours after receipt of the notice by~~

1 the office unless the office advises the agency that the goods to be
2 acquired are not the same or equivalent to the goods specified on
3 a price schedule.

4 (e) ~~Acquisitions not exceeding the dollar value, established~~
5 ~~pursuant to Section 10330, of goods that are available from the~~
6 ~~state warehouses but which the state agency can acquire from~~
7 ~~another supplier at a price lower than the price charged by the~~
8 ~~department. The agency shall notify the office prior to making the~~
9 ~~acquisition. The acquisition may be made 48 hours after receipt~~
10 ~~of the notice by the office unless the office advises the agency that~~
11 ~~the goods to be acquired are not the same or equivalent to the goods~~
12 ~~available from the state warehouses.~~